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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN RWANDA

I. INTRODUCTION

1. The present report is submitted in pursuance of paragraphs 17 and 11 of Security Council resolutions 925 (1994) of 8 June 1994 and 929 (1994) of 22 June 1994 respectively, by which the Council requested the Secretary-General to report to it by 9 August on the progress made by the United Nations Assistance Mission for Rwanda (UNAMIR) in the discharge of its mandate, the safety of the population at risk, the humanitarian situation and progress towards a cease-fire and political reconciliation, as well as the deployment of the expanded UNAMIR. The Secretariat presented an oral report to the Council on 7 July pursuant to paragraph 10 of resolution 929 (1994), when the Council was also informed of the arrival at Kigali on 4 July of my new Special Representative, Mr. Shaharyar Khan. Members of the Council have also seen my letter of 1 August 1994 to the President of the Council (S/1994/923) about UNAMIR'S requirements for additional troops and equipment. The present report is based on information available to the Secretariat up to 1 August 1994.

2. Since the adoption of resolutions 925 (1994) and 929 (1994), the situation in Rwanda has been transformed. The Rwandese Patriotic Front (RPF) has established military control over most of the country. About 1.5 million Rwandese sought refuge in Zaire over a two-week period in July creating a humanitarian crisis of catastrophic proportions. The former "interim Government" fled, and on 19 July a broad-based Government of national unity was formed.

II. MILITARY SITUATION

3. The RPF forces took full control of Kigali, the capital, on 4 July, of Butare, the second largest city, on 5 July, and of the former Government's stronghold, Ruhengeri, on 14 July. The retreating Rwandese Government forces concentrated in and around Gisenyi in the north-west, soon withdrawing into Zaire. On 17 July RPF took Gisenyi and on 18 July it unilaterally declared a cease-fire, effectively ending the civil war which had broken out immediately after the death of the presidents of Rwanda and Burundi in a suspicious air crash, on 6 April, which led to country-wide massacres of the Hutu opposition

and intelligentsia, as well as members of the Tutsi minority and other RPF supporters.

4. As the Security Council is aware, the foremost priority of UNAMIR since the start of the crisis was to bring about a cease-fire and a halt to the carnage. The Force Commander, Major-General Romeo Dallaire, had intensified those efforts since early June, when the two sides initiated cease-fire talks at the military level under UNAMIR's auspices. My new Special Representative made this his first priority upon his arrival at Kigali, establishing direct contact with the leadership of both parties and emphasizing the importance of achieving an immediate cease-fire, especially with a view to preventing further exacerbation of the humanitarian crisis. However, cease-fire negotiations remained stalled until the fall of Gisenyi on 17 July, by which time over a million Rwandese refugees had crossed into Zaire.

5. Although the Deputy Force Commander, Brigadier General Henry Anyidoho, had previously succeeded in bringing the two sides together on most of the requirements for a cease-fire, their insistence on including rigid conditions prevented the conclusion of an agreement. On the side of the Rwandese government forces, guarantees were demanded that RPF was not willing to give, while RPF insisted on prior measures to halt the continuing massacres, which the Rwandese government forces professed themselves unable to take. There was also a strong indication that RPF was not prepared for a cease-fire until it had secured its military goals. While at first these appeared to be the control of as much territory as it could secure, the crumbling of the fighting capacity of the Rwandese government forces from late June onwards evidently encouraged RPF to intensify its offensive and take control not only of the capital, but also of the rear areas of the Rwandese government forces up to the Zairian border. Only the "humanitarian protected zone" established by the French task force, "Operation Turquoise" (see para. 7 below), did not come under the control of RPF.

6. The swift RPF advance had the effect of causing large numbers of civilians to take flight from the areas of combat. This displacement of the population might well have been containable, had not panic been caused by deliberately inflammatory broadcasts from radio stations controlled by the "interim Government". These provoked a massive stampede of refugees across the border into Zaire in the north-west, overwhelming humanitarian agencies and non-governmental organizations (NGOs) whose preparations had anticipated the simultaneous movement of refugees further south. Virtually all the Rwandese government forces retreated in disarray into Zaire, where they no longer comprise an organized fighting force, most of the personnel reportedly having been disarmed by the Zairian authorities, though there are disturbing reports that they are trying to prevent refugees from returning to Rwanda. Thus, for the present, the fighting in Rwanda has ended, with no significant military operations being reported since 18 July.

7. In the course of these events, the Government of France announced on 20 June 1994 its intention to dispatch a force to the region, based in Zaire but operating inside Rwanda, to provide protection to the large number of civilians uprooted from their homes by the fighting, many of whom had fled into Zaire. This operation was authorized by the Security Council, under Chapter VII of the

Charter of the United Nations, in resolution 929 (1994). On 2 July, France announced that Operation Turquoise would establish a "humanitarian protected zone" in the Cyangugu-Kibuye-Gikongoro triangle in south-western Rwanda, covering about one fifth of Rwandese territory. While expressing its strong opposition to the French move, RPF did not seek confrontation with French forces which, on their side, avoided provocation. From the start, close cooperation at all levels was established between UNAMIR and Operation Turquoise with frequent contact between both force commanders. UNAMIR liaison officers were immediately stationed at the headquarters of the French force at Goma, Zaire, with a French liaison office later being established at UNAMIR headquarters at Kigali. Resolution 929 (1994) had authorized the deployment of the French force until 21 August 1994, and, on 11 July, the Prime Minister of France informed the Council and me of the French Government's decision to commence its withdrawal by 31 July.

III. HUMANITARIAN SITUATION

8. The protracted violence in Rwanda has created an almost unprecedented humanitarian crisis. Of a total population of approximately 7 million, as many as 500,000 people have been killed, 3 million displaced internally and more than 2 million have fled to neighbouring countries. Although the flight of people seems to have slowed, the situation remains volatile and extremely fluid. Of particular concern is the possibility of another massive outflow from the humanitarian protected zone in south-west Rwanda when the French forces withdraw.

9. The international community is confronted with four basic humanitarian challenges: to respond to the immediate life-saving needs of refugees; to facilitate the early return of those who have fled their homes; to restore basic infrastructure in Rwanda; and to ensure a smooth transition in the humanitarian protected zone established by French forces.

10. It is hard to describe the horrors faced by those who have fled Rwanda, many of them inspired by propaganda radio broadcasts whose purpose has been to spread fear among the population. The pace of developments and the sheer number of people overwhelmed the capacities of the humanitarian organizations, which were striving valiantly against impossible odds. An outbreak of cholera has already claimed as many as 20,000 lives and remains a continuing threat. Thousands of corpses remain unburied, posing health hazards and endangering ground water sources in the area. The logistics of arranging the daily supply and distribution of 30 million litres of drinking water and 1,000 tons of food are daunting.

11. There is consensus on the necessity of promoting and facilitating the early return of Rwandese to their homes. This is essential given the conditions in the refugee camps and the need within the next two weeks to harvest the crops which traditionally supply 60 per cent of Rwanda's yearly caloric intake. This will require confidence-building measures among the refugees, the establishment of transit depots and the prepositioning of humanitarian supplies. I am deeply disturbed by reports that persons and groups from the former "interim Government" and the Rwandese government forces are intimidating refugees in the

Goma camps to prevent them from returning to Rwanda by telling them that they face torture and death at the hands of RPF troops if they do so.

12. The civil conflict in Rwanda has destroyed the country's infrastructure. Short- and medium-term rehabilitation is essential for the absorption of the returnee population as well as the resettlement of the internally displaced. The restoration of electricity, the water supply and telecommunications are the minimum actions needed. It is also important to restore the capacity of the Government to carry out its responsibilities.

13. It is estimated that there are as many as 2 million internally displaced persons in the humanitarian protected zone in south-west Rwanda. An outflow of this group into Zaire would eclipse the current horrors of Goma. To prevent this from happening, it is necessary to ensure the capacity of UNAMIR to take over responsibility in this area and to increase the humanitarian presence and activities there.

14. The actions outlined above must be pursued simultaneously. Failure to respond adequately in any one area of need will weaken the effectiveness of actions in the other interrelated areas.

15. To respond to this complex situation, the United Nations humanitarian organizations, under the leadership of the United Nations Rwanda Emergency Office, have prepared a United Nations Consolidated Inter-Agency Appeal for Persons Affected by the Crisis in Rwanda covering emergency and rehabilitation needs until the end of the current year. To support these urgent activities US$ 434.8 million are required. In launching this appeal on 22 July, I urged the international community to contribute generously and in a timely manner to ensure that vital humanitarian programmes could be implemented. A pledging conference was convened in Geneva on 2 August. I am encouraged by the initial positive response from Governments and, indeed, from ordinary people willing to help, and would like to thank those countries that have already made significant contributions.

16. At my request, the Under-Secretary-General for Humanitarian Affairs, Mr. Peter Hansen, undertook a mission to Rwanda and to the neighbouring region from 24 to 28 July. He was accompanied by senior representatives of all principal United Nations humanitarian organizations as well as from the NGO community. During his mission, Mr. Hansen carried out an assessment of the humanitarian situation and took a number of measures to ensure that the necessary coordination arrangements were in place. These include a clear division of responsibilities among the organizations of the United Nations system, an overall strategy to meet this extraordinary humanitarian challenge, as well as a decision to move the headquarters of the United Nations Rwanda Emergency Office from Nairobi to Kigali.

17. Along with my Special Representative in Rwanda, Mr. Hansen met with Vice President Kagame and other senior officials of the new Government in Rwanda to discuss how humanitarian aid could be delivered to all parts of the country and the urgent steps required to re-establish a climate conducive to the return of refugees and displaced persons. It is reassuring that the new Government has indicated its commitment to encourage people to return to Rwanda, to ensure

their protection and to permit full access to all those in need throughout the country. Refugees have already started to return to Rwanda.

18. I should like to express my appreciation to all the relief personnel, who are working in extremely difficult conditions to meet a humanitarian challenge of this scale. The courageous staff of UNAMIR and the French-led multinational force have played and continue to play a critical role in saving lives and protecting people. I would also like to pay tribute to those neighbouring countries that have accepted and protected Rwandese refugees. Their generosity has made a difference between life and death for millions of fellow human beings in need. At this time, it is essential that the international community mobilize the necessary resources to enable humanitarian organizations to maintain and increase deliveries of urgently needed assistance.

IV. REVISED OPERATIONAL PLANS OF UNAMIR

19. I have already informed the Council in my letter of 1 August of the deplorable delays in the reinforcement of UNAMIR as authorized by resolution 918 (1994) of 17 May 1994. I shall not repeat my comments beyond stressing that the failure of Member States to reinforce the military component of UNAMIR with the necessary speed severely limited its capacity to reduce the human suffering that accompanied the civil conflict and the deliberate massacres of civilians, mainly members of the Hutu opposition and supporters of RPF.

20. With the situation on the ground in Rwanda having changed radically over the past few weeks, UNAMIR has adjusted its operational plans to cope with the altered circumstances within the framework of the mandate established by the Security Council in its resolution 925 (1994). UNAMIR's principal tasks are now as follows:

(a) To ensure stability and security in the north-western and south-western regions of Rwanda;

(b) To stabilize and monitor the situation in all regions of Rwanda in order to encourage the return of refugees and the displaced population;

(c) To provide security and support for humanitarian assistance operations inside Rwanda as humanitarian organizations arrange the return of refugees;

(d) To promote, through mediation and good offices, national reconciliation in Rwanda.

21. Even with the severely limited resources possessed by UNAMIR, the Mission has already taken action. It has deployed a company along the border near Goma, Zaire as well as a number of observers in that region and in the zone controlled by Operation Turquoise. In the expectation that UNAMIR will eventually receive the 5,500 troops authorized by the Security Council, the Force Commander has planned deployment in five sectors, as indicated in the map annexed to the present report and as follows:

(a) Sector I (north-east): 1 engineer company;

(b) Sector II (south-east): 1 reinforced motorized company;

(c) Sector III (south): 1 reinforced motorized company;

(d) Sector IV (south-west): 3 mechanized/motorized infantry battalions;

(e) Sector V (north-west): 1 mechanized/motorized infantry battalion.

22. The Force headquarters would remain at Kigali, with the minimum units required for protection, along with specialized units for communications and logistics, as well as the field hospital. United Nations military observers and United Nations civilian police monitors would be deployed in all sectors according to operational requirements.

23. The principal areas of concern are in the north-west to resettle returning refugees, and in the south-west to avert possible outbreaks of violence. The north-western sector borders Zaire near the vast throng of over a million Rwandese refugees assembled there in the harshest of conditions. It is known that substantial numbers of the former Rwandese government forces and militia, as well as extremist elements suspected of involvement in the massacres of the Hutu opposition and RPF supporters, are mingled with the refugees in Zaire and are reportedly trying to prevent their return. A more volatile situation prevails in the south-west, where armed elements of the Rwandese government forces have sought refuge in the French-protected zone. Furthermore, these are the two regions through which refugees will transit as they return from Zaire. Large numbers of refugees are also expected to return from Tanzania into sectors I and II, and a substantial number from Burundi into sectors II and III, but these three sectors are not expected to present the problems anticipated in sectors IV and V.

24. The situation in sector IV is particularly pressing in view of the anxiety of the French Government to complete its withdrawal by 21 August. In discussions with UNAMIR, the new Rwandese Government has indicated that it will not insist on taking control of this area immediately, provided that UNAMIR will ensure its stability. For this purpose, it would be imperative that UNAMIR be able to deploy the three battalions intended for this sector. Should they not be available, UNAMIR would have to go into the zone with depleted strength and threadbare equipment. The new Government, so far, has refused to accept that UNAMIR should include troops from some African countries participating in Operation Turquoise, but it may be possible to persuade it to permit these troops, along with their equipment, to remain. In that case, it is hoped that France will be prepared to lease some of the equipment being used by Operation Turquoise.

V. POLITICAL ASPECTS

25. The Arusha Peace Agreement (see A/48/824-S/26915) was signed a year ago in the hope that the political balance it stipulated would bring lasting stability to Rwanda through a pluralist approach of a transitional government, which would

include the numerous parties that had emerged, leading to elections. Both the "interim Government", established immediately after the death of President Habyarimana on 6 April, as well as RPF, professed some commitment to the principles of the Arusha agreement. However, the "interim Government" took the position that the agreement was based on the fallacious premise that the historic ethnic animosity between the majority Hutu and the minority Tutsi could be resolved by a political formula; the only solution would be an arrangement which could guarantee the rights not only of the minority but also of the majority so that one would not fear domination by the other; this could be achieved neither through military means nor through simple elections. For its part, RPF maintained that while it remained committed to the Arusha principles of a pluralist political compromise, the deliberate subversion of the Arusha process by extremist Hutu elements and their planned and deliberate massacres of Tutsi and moderate Hutu called for changes in the Arusha formula to ensure that this could not occur again.

26. For the present, RPF has not only military but also political control of the country, other than the area controlled by Operation Turquoise, and it installed a broad-based Government of National Unity on 19 July 1994 for a transitional period of five years. It has excluded the former governing party, the Mouvement révolutionnaire national pour le développement, as well as an openly anti-Tutsi party the Coalition pour la défense de la République, which was not included in the transitional government established by the Arusha agreement. In the present transitional Government, the post of President, reserved for the Mouvement révolutionnaire national pour le développement in the Arusha agreement, has been allocated to Mr. Pasteur Bizimungu of RPF, and the post of Vice President, not provided for in the Arusha agreement, has been allocated to Major-General Paul Kagame, military commander of RPF who is also Minister of Defence. The Prime Minister is Mr. Faustin Twagiramungu of the Movement démocratique républicain and the Deputy Prime Minister is Colonel Alexis Kanyarengwe of RPF. Other portfolios have been allocated to these two parties as well as the Parti socialiste démocrate, the Parti démocrate chrétien and the Parti libéral, all of which were members of the previous transitional Government.

27. Since taking office, President Bizimungu has met with President Mobutu of Zaire, President Mwinyi of Tanzania, President Museveni of Uganda and the Interim President of Burundi, Mr. Ntibantunganya. The Rwandese leadership is encouraging refugees to return to Rwanda by publicizing the following assurances:

(a) Refugees need not fear persecution or reprisals. Refugees returning from Goma will not be screened;

(b) Refugees and displaced persons can return to their homes, properties, farms, etc. If these have been occupied by others, unauthorized occupants will be forcibly ejected. Uganda-based refugees returning to Rwanda have no right to assert their claims by dispossessing Rwandese of their legal rights;

(c) Criminals will be prosecuted according to a process of law. The United Nations should appoint the Commission of Experts established by resolution 935 (1994), which should urgently begin its investigation;

(d) The Government is encouraging civilian officials and army personnel to return;

(e) The Government will give full cooperation to United Nations efforts to encourage refugee return by reopening Kigali airport, permitting the establishment of a United Nations radio station and facilitating freedom of movement for United Nations personnel carrying out their functions.

28. It is evident that the highest priority at the moment is the resolution of the massive humanitarian crisis caused by the refugees in Zaire and the displaced persons in Rwanda and the establishment of conditions of security and normalcy to encourage and enable these unfortunate people to return to their homes. Only then can the new Government ensure stable conditions in the country. Political discussions with moderate elements of the Mouvement révolutionnaire national pour le développement to work out political arrangements for the long-term stability of Rwanda should, however, begin as soon as possible.

VI. OBSERVATIONS

29. The agony of a small country which is having to endure the massacre of a substantial portion of its population and the displacement of half the survivors is one of the most hideous events in recent times. It is all the more tragic that the international community hesitated for so long to intervene, despite the fact that most of its Member States have signed the Convention on the Prevention and Punishment of the Crime of Genocide. As I remarked in my report of 31 May (S/1994/640), by our failure we have acquiesced in the horrifying loss of human life and the suffering of an entire people. To make amends, the international community, at the very least, must ensure that, through the efforts of the Commission on Human Rights, the United Nations High Commissioner for Human Rights and the Commission of Experts established by Security Council resolution 935 (1994) of 1 July 1994, those individuals responsible in their personal and official capacities for unleashing and instigating this cataclysm are brought to justice.

30. As regards the Commission of Experts, my report of 26 July 1994 (S/1994/879) set out its mandate. I have requested it to provide me, not later than 30 November 1994, with its conclusions on evidence of specific violations of international humanitarian law and acts of genocide, on the basis of which identification of the persons responsible for those violations could be made. The Commission is also empowered to examine the question of the jurisdiction, international or national, before which such persons should be brought to trial. I have appointed the following persons to serve as members of the Commission: Mr. Atsu-Koffi Amega, Chairman (Togo), Mrs. Habi Dieng (Guinea) and Mr. Salifou Fomba (Mali).

31. It is incumbent upon the international community to do everything in its power to alleviate the appalling human suffering in the refugee camps in Zaire, as well as in Tanzania, Uganda and Burundi, and to enable refugees and displaced persons to return to their homes or other safe areas in reasonable security. In this connection, I am grateful to those Governments that have decided to deploy

troops to Rwanda and/or Zaire in order to provide critically needed logistic support to the humanitarian effort. At the same time, I am becoming concerned by the problems of coordination that will arise if several foreign forces under national command are working along side UNAMIR, which is under United Nations command, and the forces loyal to the new Government. Ideally, all foreign forces engaged in support of the humanitarian effort should be part of UNAMIR. If this is not possible, I would urge that the deployment of the foreign forces should be authorized by the Security Council, even if their mandate is purely humanitarian, and that formal liaison arrangements should be established between them and UNAMIR, as has been the case with Operation Turquoise.

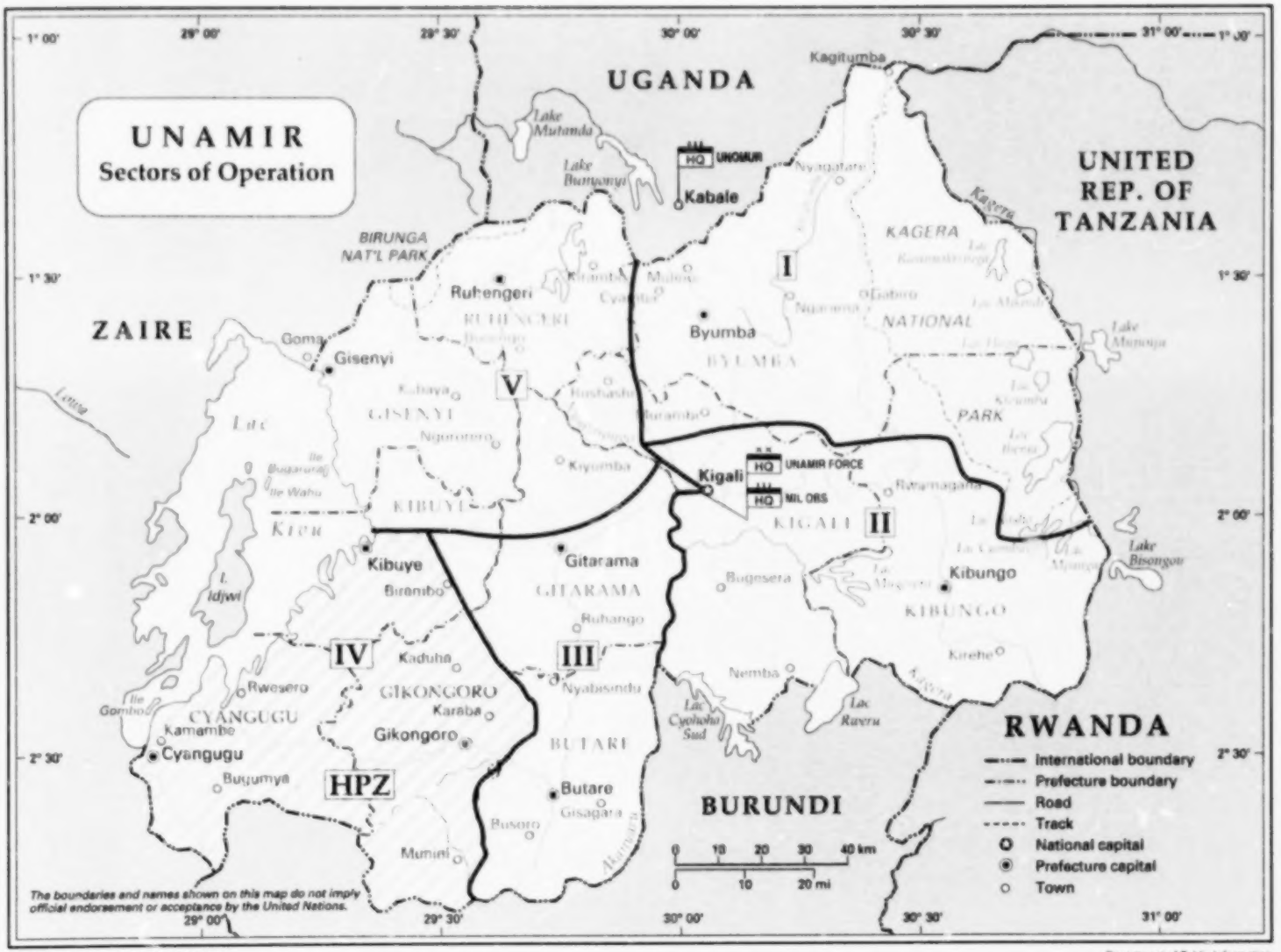
32. Governments which possess the necessary resources are also urged to apply them toward the reconstruction and rehabilitation needed to bring Rwanda to its feet again. I commend those Governments that are already beginning to provide these forms of tangible assistance.

33. The recently installed Government in Rwanda also bears responsibility for bringing its people together again in national reconciliation. Even in the wake of the tragedy that it has confronted, it must show magnanimity and not allow its military success to create a desire for permanent dominance. It must ensure that there are no reprisals. It must enable families to regain their homes and individuals to return to their professions and livelihoods. It must accept in the national army those soldiers of the former armed forces and gendarmerie who did not deliberately engage in wanton killings. It must install an equitable and transparent system of justice to try those suspected of instigating or participating in the massacres of their compatriots.

34. These are overwhelming tasks for a fledgling Government which has taken power in a wrecked and devastated country. In addition to the urgent humanitarian needs and help in reconstruction and rehabilitation, the Government will also require assistance in re-establishing systems of administration, justice, police, finance, education and health and all the other responsibilities a Government must discharge. I hope that Governments will make this available on a bilateral basis or through the United Nations system. But, ultimately, it is the Rwandese who must assume these tasks, and this can only be done if the Government commits itself to genuine and full reconciliation.

35. The ultimate political aim must be the installation of a broad-based system of government that will give all elements of society, irrespective of ethnic origin or social level, a sense of security and a stake in the country. The Arusha agreement still provides principles and a broad framework for establishing such a system. The Organization of African Unity and the United Republic of Tanzania, which were instrumental in the negotiation of the Arusha agreement, will have a special role to play. Rwanda's four neighbours also have a special responsibility to promote stability in this recuperating country and to ensure that their territories are not used for further destabilization. It is gratifying to note that the new Government has established cordial contacts with all four neighbours. All countries in the region must work to ensure that the repercussions of the crisis in Rwanda do not strike at Burundi, for this could destabilize the entire region.

36. In conclusion, I should like to commend my former Special Representative, Mr. Jacques-Roger Booh-Booh, and my new Special Representative, Mr. Shaharyar Khan, as well as the personnel of UNAMIR, who have worked with dedication under the most demanding conditions. I must especially commend the Force Commander, Major-General Dallaire, for his outstanding leadership. In ending, I extend on my own behalf and on behalf of all members of the United Nations our heartfelt condolences to all in Rwanda who have lost members of their families in what would have been a nightmare had it not actually come to pass.



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